

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JAN 29 2013

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|----------------|---|--------------------------------|
| HERALD WHITED, | ) | Civil Action No. 7:13-cv-00006 |
| Plaintiff,     | ) |                                |
|                | ) | <u>MEMORANDUM OPINION</u>      |
| v.             | ) |                                |
|                | ) | By: Michael F. Urbanski        |
| BRANDON YATES, | ) | United States District Judge   |
| Defendant(s).  | ) |                                |

Herald Whited, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983 . By Order entered January 8, 2013, the court directed plaintiff to submit within ten (10) days from the date of the Order an executed verification form which was given to plaintiff and submit accompanying documentation demonstrating that plaintiff either exhausted the available remedies as to each of the claims raised in the complaint, or plaintiff must document that such remedies did not exist at the place of confinement or were not available to plaintiff at the present time. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than twenty (20) days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 29<sup>th</sup> day of January, 2013.

*/s/ Michael F. Urbanski*  
United States District Judge